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09/463,010	01/19/2000	Takeshi Hoshino	500.38106X00	5763

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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

24

Office Action Summary	Application No. 09/463,010	Applicant(s) HOSHINO ET AL.	
	Examiner X L Bautista	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5 and 23-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 23-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on April 5, 2004 have been fully considered but they are not persuasive.

A. Applicant argues that "Kojima et al merely discloses a media selecting device enabling a user to select any one of a plurality of selectable media using a rotary disc-type knob...Kojima...does not disclose or suggest anything related to providing a plurality of contents display zones and a menu board used to select any contents..." (page 10, lines 8-12).

In response, Kojima/Ermel teaches providing a plurality of contents zones and a menu board used to select any contents. Kojima teaches a method of displaying contents of a plurality of media content (figs. 3A-8B) and displaying detailed items of contents regarding a contents information item selected by the user (figs. 4B, 5B, 6B, 7B, 8B). Ermel teaches a menu board used to select any contents in a 3d space; the menu board is displayed together with part of the plurality of contents display zones (figs. 1, 7-10); and displaying detailed items of contents regarding a contents information item selected by the user together with part of the plurality of contents display zones (figs. 1-6).

B. Applicant argues, "Kojima...does not disclose or suggest anything related to changing the contents information items to have sizes on a screen determined in

accordance with the utilization degree of a user or to be displayed with sizes sequentially minimized toward a deeper place in a direction of depth on the screen." (page 10, lines 13-17).

In response, Kojima is not relied upon for changing the size of objects, rather it is used for its teaching of a graphical user interface in a virtual 3d space and displaying contents of a plurality of multimedia. Moreover, Ermel teaches that the size and position of contents information items are changed and are determined in accordance with the utilization degree of a user. Ermel discloses that the "least-used folders recede to a...distance within a...three dimensional space...[the] user can thereby use perspective, and the perceived proximity of folders and files, to indicate the priority of each item." (col. 3, lines 2-16; figs. 2 and 3).

C. Applicant argues that "...these portions of Ermel...merely disclose that each container can be labeled by a category that can be changed through conventional selection...[t]his is not displaying in the screen detailed items of contents regarding a contents information item selected by the user together with part of a plurality of contents display zones..." (page 13, lines 11-18).

In response, Kojima discloses displaying in the screen detailed items of contents regarding a contents information item selected by the user together with part of a plurality of contents display zones. Fig. 3A shows a plurality of multimedia objects displayed together with a media content 10; fig. 3B shows the

media content 10 of the icon "e" (book "e") in an accessed state. Fig. 4A shows a media content 11 consisting of TV programs and fig. 4B illustrates a group of TV monitors 12 (detailed items of contents (12) regarding a contents information item (11) selected by the user).

D. Applicant argues that "...these portions of Ermel...merely disclose that a tool tray is a fixed area of the environment that remains with the user as folders and files are brought to and away from the user and provides a stable point of reference that remains with the user as the user interacts with the 3D environment. The tool tray can include tools helpful for the user in manipulating documents and applications. This is not a menu board or a detailed items of contents being displayed together with part of a plurality of contents display zones within a part of a three-dimensional space when the user operates to display the menu board or the detailed items of contents with a menu key..." (page 14, lines 3-18).

See response C for detailed items of contents displayed together with a plurality of contents display zones, and response A for the menu board. Kojima teaches that when a user selects a book (icon), this book is displayed opened together with a media content object, this becomes a menu wherein the media content display detailed items can be selected by the user (figs. 3A-14B). Ermel teaches a plurality of containers 10 (12a-12f), a region (14) for holding icons (menu) that can be selected by the user, and a tool tray (menu) having a shelf 40

for placing a frequently-used icon (fig. 1) and other tools that enable the user to interact with the 3d environment.

Therefore, the claims stand rejected as follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 5, 23, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kojima et al* (US 6,236,398 B1) in view of *Ermel et al* (US 5,835,094).**

Claims 1 and 25:

Kojima discloses a multimedia information display method of displaying contents of a plurality of multimedia (abstract; col. 2, lines 53-58). The method provides a plurality of content display zones (book icons, fig. 3A; genre, fig. 4A) in a virtual three-dimensional space on a screen to arrange contents information items (media content, fig. 3B) corresponding to a plurality of contents selected for each contents display zones (abstract; col. 2, lines 59-64; col. 5, lines 14-19; col. 6,

lines 17-67). The contents information item selected by a user are placed at a position near a center of the screen in a longitudinal direction (horizontal) from the center (col. 6, lines 17-64; col. 7, lines 12-34). Kojima teaches that the icons are easier to recognize owing to their three-dimensional shape in the depth direction, and that the ones disposed in the depth of the space may be smaller. Kojima teaches that the icons may be selected by positioning a cursor on the icon by using a mouse, but because their size may change and their location may be frequently designated the invention uses a media-selecting device to turn the icons in a clockwise and counterclockwise direction (abstract; col. 2, lines 24-32, 59-67; col. 3, lines 1-15).

Kojima does not teach that the contents information items have sizes determined according to a utilization degree of user. However, Ermel discloses a method for displaying information simulating three-dimensional space. Ermel displays a plurality of contents display zones horizontally on the screen. Ermel teaches that the size of the objects (files, documents, icons) may relate to its distance from a predefined portion of the display (abstract; col. 1, lines 49-58) or it may be determined according to a utilization degree of a user (col. 2, lines 8-13; col. 3, lines 1-16; col. 5, lines 4-5). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kojima to include Ermel's teaching of changing the size of the items according to their use

because the user can easily select and interact with the objects that are frequently used. Kojima teaches in fig. 4A a media content 11 which is a TV monitor having a plurality of TV monitors 12 (detailed items of contents).

Kojima teaches in fig. 5A a radio tuner 13 having a group of radio tuners 14. The icon 13 is displayed after selecting icon "e" and a group of icons 14 is displayed after icon 13 is selected by the user. Kojima does not teach a menu board that is displayed together with the plurality of contents display zones. However, Ermel teaches a region (menu) for holding icons (14) that allows the user to select the icons contained in that region (document files), and a menu (tool tray 24), which is displayed together with the contents display zones (col. 3, lines 25-31; col. 4, lines 30-38; figs. 1-9) and that includes tools for enabling the user to manipulate the document and application files (icons). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to modify Kojima to include Ermel's teaching of a menu in a contents display zone because a fixed menu eliminates navigation when the user needs to use tools, which may be disorienting and frustrating for some users.

Claims 5, 28, and 29:

See claim 1. Kojima teaches that the icons have different location information (abstract; col. 3, lines 19-20; col. 10, lines 59-60) but does not teach that this information is according to history of use. However, Ermel teaches that

the objects exchange size and position according to history of use (col. 2, lines 8-13; col. 5, lines 4-5).

Claims 23:

Kojima teaches that the icons may be selected by positioning a cursor on the icon by using a mouse, but because their size may change and their location may be frequently designated the invention uses a media-selecting device to turn the icons in a clockwise and counterclockwise direction (abstract; col. 2, lines 24-32, 59-67; col. 3, lines 1-15).

Claim 26:

See claim 23. Kojima teaches displaying contents display zone in a circle near the center in the lower region of the screen and turning the contents display zones in response to the user's selection (abstract; col. 2, lines 24-32, 59-67; col. 3, lines 1-15).

Claim 27:

See claim 1. Kojima/Ermel teaches another zone beyond the plurality of contents display zones (Ermel: figs. 1-9).

4. Claims 24 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kojima/Ermel* in view of *Gallup et al* (US 6,201,540 B1).

Claim 24:

Kojima/Ermel teaches that a document object is visually represented depending on what it represents but it does not teach that the objects have different contours corresponding to kinds of media. However, Gallup discloses an automobile computer system having a computer configured to support multiple applications. A plurality of application icons are scrollable across the visual operator interface by a user. The operator interface has a fixed focus position, wherein any application icon that is scrolled to the fixed focus position becomes focused and can be activated to select the application corresponding to the focused application icon. The icons have different shapes corresponding to kinds of media (abstract; col. 1, lines 61-67; col. 2, lines 1-34, 50-61; figs. 3-5). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to include Gallup's icons in Kojima/Ermel's invention because they provide the user with graphical indication about the kind of media that represents and it also facilitates selection.

Claim 30:

See claim 1. Kojima does not teach that the multimedia information display method is for use with a display employed in a car. However, Gallup teaches menus of available application programs and Graphical control elements that are available to the application programs from an operating system of an automotive

accessory (abstract; col. 1, lines 5-12, 61-67; col. 2, lines 1-34, 50-61; figs. 3-5). Gallup teaches an automotive accessory 50 that can be used to integrate multiple vehicle-related systems onto one open platform. For instance, the accessory can serve as a multimedia entertainment system, a communications system, a navigation system, etc., (col. 4, lines 24-37). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include Gallup's teachings of a multimedia information display mounted on a car in Kojima/Ermel's invention because people are enabled to be well informed while traveling in automobiles; they can tune into local radio stations to listen to news, weather forecasts and traffic conditions; they can access local map information and even keep in touch with their homes and offices, and to confirm appointments, and all of these can be possible by having an information control system mounted in the automobile, which facilitates the user's retrieval and/or dissemination of information.

Claim 31:

See claim 23. Kojima teaches displaying contents display zone in a circle near the center in the lower region of the screen and turning the contents display zones in response to the user's selection (abstract; col. 2, lines 24-32, 59-67; col. 3, lines 1-15).

Claim 32:

See claim 1. Kojima teaches that the icons have different location information (abstract; col. 3, lines 19-20; col. 10, lines 59-60) but does not teach that this information is according to history of use. However, Ermel teaches that the objects exchange size and position according to history of use (col. 2, lines 8-13; col. 5, lines 4-5).

Claim 33:

See claim 1. Kojima teaches objects that allow one-way and two-way communication (figs. 5A, 5B, 6A, 6B, 9B, 11B, 14B).

Conclusion

5. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The document cited therein teaches a method and system for facilitating the selection of icons. Icons that are least likely to be used are faded, eliminated, or shrunk to a smaller size (abstract; col. 7, lines 37-41; col. 9, lines 55-60; col. 12, lines 4-7, 57-60).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See


MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on Monday-Thursday (8:00-18:00), Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista
Patent Examiner
Art Unit 2173

xlb
April 26, 2004